

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:21-cr-00264
)	
BRIAN KELSEY,)	
JOSHUA SMITH)	
)	
Defendants.)	

ORDER

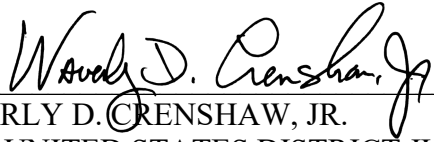
The Joint Motion to Modify Date of Sentencing (Doc. No. 77) is **GRANTED**, and the sentencing hearings scheduled for June 9, 2023, are **RESCHEDULED** for **March 28, 2023**. Mr. Smith's sentencing is set at 1:00 p.m. Mr. Kelsey's sentencing is set at 3:30 p.m.

All sentencing memoranda and motions for a departure or pursuant to United States v. Booker, 125 S.Ct. 738 (2005) must be filed **at least seven (7) days** before the sentencing hearing. Each party shall file a sentencing memorandum regardless of whether there is a plea agreement or an agreement as to a sentence recommendation, or whether they seek a sentencing within or outside the Guidelines range. The sentencing memorandum shall contain a discussion of each of the sentencing factors in 18 U.S.C. § 3553(a).

In accordance with LCrR 32.01(c), **at least seven (7) days** before the sentencing hearing the parties shall also file a "Position of the (Government or Defendant) with Respect to Sentencing Factors," containing only unresolved objections to the Presentence Report. If the parties have no objections to the Presentence Report, they shall so indicate in their "Position" filed with the Court. The parties shall also serve a copy of their "Position" on the Probation Office upon its filing.

The documents and deadlines in this Order are mandatory, not optional, and shall be filed timely. The Court needs these documents in a timely fashion to adequately prepare for the sentencing hearing. Failure to comply with this Order may result in further action by the Court.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE